

MICHIGAN COURTS

A Quick Reference Guide to the Trial Court System

PROBATE	CIRCUIT	DISTRICT	MUNICIPAL
PROBATE Deceased Estates Wills and Trusts Mental Health Guardianship Conservatorship MISCELLANEOUS Marriages <i>Detail below</i>	CIVIL/CRIMINAL DIVISION CRIMINAL —Felony; Civil —General Civil (Over \$25,000); Miscellaneous —Driver's License Restoration, Appeals from Trial Courts or Administrative Agencies FAMILY DIVISION Domestic Relations —Divorce, Custody, Parenting Time, Paternity, Support; Juvenile —Adoption, Delinquency Waiver of Parental Consent for Abortion, Child Protection Proceedings, Emancipation; Miscellaneous —Personal Protection Orders (PPOs), Name Changes <i>Detail on page 2</i>	CRIMINAL Misdemeanor Felony (preliminary stages) CIVIL General Civil (up to \$25,000) Small Claims, Landlord Tenant CIVIL INFRACTIONS Traffic and Parking, Municipal Civil Infractions, State Civil Infractions MISCELLANEOUS Marriages <i>Detail on Page 3</i>	CRIMINAL Misdemeanor (up to 1 year in jail), Felony (preliminary stages) CIVIL General Civil (up to \$1,500 or \$3,000 if resolution exists), Conciliation (up to \$100 or \$600 if resolution exists), Landlord Tenant CIVIL INFRACTIONS Traffic and Parking, Municipal Civil Infractions, State Civil Infractions MISCELLANEOUS Marriages <i>Detail on Page 4</i>

What does the Probate Court do?

	What Is It?	Where do you go?
Deceased Estates	A case involving the administration by the courts of the assets of a deceased or disappeared person.	The Probate Court where the deceased resided or if the deceased was not a resident of Michigan, in the county where the deceased left property.
Wills and Trusts	Issues concerning the validity or interpretation of a will or trust.	The Probate Court where the deceased resided or if the deceased was not a resident of Michigan, in the county where the deceased left property.
Mental Health	Cases involving mental illness or developmental disabilities.	The Probate Court where the person resides or was found if no residence can be determined.
Guardianship	The determination of who has the legal duty and power to care for a person under age 18 years or a person 18 years or older, who, because of some legal disability such as incompetence, is considered unable to care for him/her self.	The Probate Court where the person resides, is present at the time the proceeding commences, or the county where the person is admitted to an institution by court order. However, if the person is under age 18, and the matter arises out of a protective proceeding, a delinquency proceeding or a domestic relations custody case, then the Family Division of the Circuit Court.
Conservatorship	The determination of who has the legal duty and power to manage and protect the estate of a person under 18 years or a person 18 years or older, who, because of some legal disability such as incompetence, is unable to manage the estate themselves.	The Probate Court where the person resides or, if the person is a non resident, where the property is located. However, if the person is under age 18, and the matter arises out of a protective proceeding, a delinquency proceeding or a domestic relations custody case, then the Family Division of the Circuit Court.
Marriages	The creation of a civil union between two people.	Any District, Probate, or Municipal Court within the state.

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What does the Circuit Court do?

CRIMINAL/CIVIL DIVISION

CRIMINAL	What Is It?	Where do you go?
Felony	The most serious category of criminal offenses and is punishable by more than 1 year in prison.	For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pre-trial, trial, plea and sentencing. Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge.
CIVIL	What Is It?	Where do you go?
General Civil (over \$25,000)	Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts can only handle claims up to \$1,500 (municipality may pass a resolution allowing courts to hear claims up to \$3,000)	In general, the location of the proceeding depends on the amount in dispute. However, Circuit Court can handle cases involving equitable relief. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose.
MISCELLANEOUS	What Is It?	Where do you go?
Driver's License Restoration	A hearing at the end of a period of license revocation or suspension to reinstate driving privileges.	The Circuit Court in the county where the person resides.
Appeals to Circuit Court	The Circuit Court's review of orders or judgments of District or Municipal Courts or administrative agencies.	The Circuit Court in the county where the court or administrative agency order or judgment is issued.

FAMILY DIVISION

DOMESTIC RELATIONS	What Is It?	Where do you go?
Divorce	The termination of a marriage.	The Family Division of the Circuit Court where either party resides.
Paternity	The determination of legal fatherhood.	The Family Division of the Circuit Court where the mother or child resides, unless they both reside out of state, then, where the putative father resides or is found.
Support	The determination of the amount of money for care of a child or spouse.	The court where the divorce judgment was granted. If there was no divorce, then the Family Division of the Circuit Court where either party resides.
Parenting Time	The determination of time spent with the noncustodial parent.	The Family Division of the Circuit Court where the divorce or custody judgment was entered.
Custody	Typically, the determination of which parent shall be responsible for primary care. Other people may seek custody of a child in special circumstances.	The Family Division of the Circuit Court where the divorce judgment was granted. If there was no divorce, then typically, the Family Division of the Circuit Court where the child resides. The location may be different if someone other than a parent is seeking custody.
JUVENILE	What Is It?	Where do you go?
Adoption	Legally taking parental responsibilities for a child.	The Family Division of the Circuit Court where the minor or the petitioner resides, or where parental rights were terminated.
Child Protection Proceedings	Abuse of a child under age 18 or situations in which a child under age 18 is not receiving proper care.	The Family Division of the Circuit Court where the minor is physically located or the offense against the child occurred.
Delinquency	An offense committed by a child under 17 years of age which would be a criminal offense if committed by an adult, including misdemeanor traffic offenses. Delinquency cases may also include state offenses such as Home Incurability, Home Truancy, School Incurability and School Truancy.	The Family Division of the Circuit Court where the minor is physically located or the offense was committed.
Emancipation	The legal way a minor between the ages of 16 to 18 can be freed from his/her parent's control.	The Family Division of the Circuit Court where the minor resides.
Waiver of Parental Consent of Abortion	Cases involving minors seeking an abortion without parental consent.	The Family Division of the Circuit Court where the minor resides or is found.

FAMILY DIVISION OF THE CIRCUIT COURT (continued from page 2)

MISCELLANEOUS	What Is It?	Where do you go?
Personal Protection Orders (PPOs)	Actions seeking protection from individuals for criminal stalking or domestic abuse.	The Family Division of the Circuit Court in any county of Michigan.
Name Changes	Actions involving change of name.	The Family Division of the Circuit Court where the person seeking the name change has resided for at least 1 year.

What does the District Court do?

CRIMINAL	What Is It?	Where do you go?
Misdemeanor	Crimes of a less serious nature that usually carry a maximum jail term of 1 year including traffic misdemeanors.	Misdemeanors are handled by the District or Municipal Court where the offense occurred. If the case involves a juvenile under 17 years of age, the case would be handled as a delinquency case in the Family Division of the Circuit Court (See Delinquency).
Felony (preliminary stages)	The most serious category of criminal offenses punishable by more than 1 year in prison.	For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing. Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge.
CIVIL	What Is It?	Where do you go?
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Small Claims	Cases where the amount claimed does not exceed a specified amount. As of January 2018, small claims cases cannot exceed \$6,000. There are no lawyers or juries and no right to appeal.	Only District Court handles small claims cases. Unless the claim is against a municipality, a case may be filed either where the defendant resides, is employed or where the action arose.
Landlord Tenant	Proceedings to recover possession of premises and/or obtain a money judgment.	The District or Municipal Court where the premises are located. If there is a claim for a money judgment on a landlord tenant case, a Municipal Court has jurisdiction up to \$1,500 (sometimes up to \$3,000) and District Court has jurisdiction up to \$25,000. If a claim for money judgment exceeds the Court's jurisdiction, the District or Municipal Court determines the possession issue and the Circuit Court determines the money portion.
CIVIL INFRACTIONS		
Traffic and Parking Civil Infractions	Traffic offenses not serious enough to be classified as crimes, but serious enough to deserve sanctions other than jail. They include minor traffic violations such as speeding and parking violations.	The District or Municipal Court where the violations occurred. Note: Some areas may have a Parking Violations Bureau.
Municipal Civil Infractions	Non-traffic civil infractions such as building code, nuisance, trailways, dog, park and curfew offenses that are violations of a local ordinance.	The District or Municipal Court where the violations occurred.
State Civil Infractions	Non-traffic civil infractions that are violations of a state law.	The District or Municipal Court where the violations occurred.
MISCELLANEOUS		
Marriages	The creation of a civil union between two people.	Any District, Probate, or Municipal Court within the state.

What does the Municipal Court do?

CRIMINAL	What Is It?	Where do you go?
Misdemeanor	Crimes of a less serious nature that usually carry a maximum jail term of 1 year including traffic misdemeanors.	Misdemeanors are handled by the District or Municipal Court where the offense occurred. Note: Some misdemeanors are punishable by more than 1 year in jail but are processed in the same manner as felonies. Note: If the case involves a juvenile under 17 years of age, the case would be handled as a delinquency case in the Family Division of the Circuit Court (See Delinquency).
Felony (preliminary stages)	The most serious category of criminal offenses punishable by more than 1 year in prison.	Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge. For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District or Municipal Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing.
CIVIL	What Is It?	Where do you go?
General Civil	Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts typically only handle claims up to \$1,500 (municipality may pass a resolution allowing courts to hear claims up to \$3,000).	In general, it depends on the amount in dispute. However, Circuit Court can handle cases involving equitable relief. Venue may be proper in more than one court location. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose.
Conciliation	Typically, cases where the amount claimed does not exceed \$100 (municipality may pass a resolution allowing courts to hear claims up to \$600). Cases are settled in an informal manner, with a judge or clerk acting as a conciliator, who may suspend rules of evidence and dispense	Any person may state his or her claim to a clerk of the municipal court. Venue may be proper in more than one municipal court location. A case may be filed either where the defendant resides, is employed or where the action arose.
Landlord Tenant	Proceedings to recover possession of premises and/or obtain a money judgment.	The District or Municipal Court where the premises are located. If there is a claim for money judgment on a landlord tenant case, a Municipal Court has jurisdiction up to \$1,500 (this may be increase to \$3,000 if the municipality decides) and District Court has jurisdiction up to \$25,000. If a claim for money judgment exceeds the Court's jurisdiction, the District or Municipal Court determines the possession issue and the Circuit Court determines the money portion.
CIVIL INFRACTIONS	What Is It?	Where do you go?
Traffic and Parking Civil Infractions	Traffic offenses not serious enough to deserve to be classified as crimes, but serious enough to deserve sanctions other than jail. They include minor traffic violations such as speeding and parking violations.	The District or Municipal Court where the violations occurred. Note: Some areas may have a Parking Violations Bureau.
Municipal Civil Infractions	Non-traffic civil infractions such as building code, nuisance, trailways, dog, park and curfew offenses that are violations of a local ordinance.	The District or Municipal Court where the violations occurred.
State Civil Infractions	Non-traffic civil infractions that are violations of a state law.	The District or Municipal Court where the violations occurred.
MISCELLANEOUS	What Is It?	Where do you go?
Marriage	The creation of a civil union between two people.	Any District, Probate, or Municipal Court within the state.